



## Economic & International Development Department

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Oscar Leaser

### City Council

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Peter Svarzbein

#### *District 2*

Larry Romero

#### *District 3*

Emma Acosta

#### *District 4*

Carl L. Robinson

#### *District 5*

Dr. Michiel R. Noe

#### *District 6*

Claudia Ordaz

#### *District 7*

Lily Limón

#### *District 8*

Cortney C. Niland

### City Manager

Tommy Gonzalez

## HISTORIC LANDMARK COMMISSION MEETING MINUTES

### FIRST FLOOR, COUNCIL CHAMBERS

### CITY 1 BUILDING, 300 N. CAMPBELL STREET

OCTOBER 12, 2015, 4:00 P.M.

The El Paso Historic Landmark Commission held a public hearing in the First Floor Council Chambers, City 1 Building, 300 N. Campbell Street, October 12, 2015, 4:00 p.m.

The following commissioners were present:

Chairman William Helm

Commissioner Beatriz Lucero

Commissioner Randy Brock

Commissioner Edgar Lopez

Commissioner George Cordova

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, Economic & International Development

Mr. Adam Train, Planner, Historic Preservation Office, Economic & International Development

Ms. Kristen Hamilton-Karam, Assistant City Attorney, City Attorney's Office

### CALL TO ORDER

Chairman Helm called the meeting to order at 4:06 p.m., quorum present.

### PUBLIC COMMENT

Chairman Helm asked if there was anyone present who would like to comment on issues not posted on the agenda. There was none.

### Certificate of Appropriateness

**1.PHAP15-00037:** Being 1 Mundy Heights 3 To 6, City of El Paso, El Paso County, Texas

Location: 209 Lawton Street

Historic District: Sunset Heights

Property Owner: Maria, Lilia, and Andres Favela

Representative: Andres Favela

Representative District: 8

Existing Zoning: R-4/H (Residential/Historic)

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Tommy Gonzalez

Year Built: 1928  
Historic Status: Contributing  
Request: Certificate of Appropriateness for the construction of a secondary garage and the removal and replacement of windows after-the-fact  
Application Filed: 9/3/15  
45 Day Expiration: 10/18/15  
*Continued from 09.14.2015 meeting*

Ms. Velázquez gave a presentation and stated the property owner is requesting a Certificate of Appropriateness for the construction of a secondary garage and the removal and replacement of windows after-the-fact. The original request was brought before commissioners approximately one month ago.

From the last survey taken in 2001, Ms. Velázquez presented a photo of the classic Mediterranean revival structure with operable casement multi-light windows. Without proper approval or permits, the property owner removed the original casement windows and replaced those with sliders.

At the September 28<sup>th</sup> HLC meeting, commissioners approved the construction of the garage; however, requested the property owner come back with information regarding the slider windows. With this additional information, commissioners may or may not approve the slider windows or suggest some other window style.

Mr. Andres Favela, property owner, explained at the September 28<sup>th</sup> meeting, commissioners gave him two options:

1. to replace the three front windows; or
2. to mimic the original windows with the grids.

Mr. Favela stated he ordered PVC grids to place on the windows; the PVC grid is three-dimensional, bronze in color to match the casing around the window and very sturdy and durable. He plans to place the grid on the exterior of the window.

Chairman Helm clarified the bronze color will match the frames Mr. Favela originally purchased.

Mr. Favela agreed. He ordered the windows via the internet; unfortunately, they had not arrived in time for today's meeting. He plans to mimic the original casement window grids, small grids to allow the window to properly function. He hoped to start with the front three windows then continue throughout the home.



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Commissioner Lopez clarified the profile of the molding was  $\frac{1}{4}$ "; the photos are somewhat exaggerated.

### City Council

#### *District 1*

Peter Svarzbein

Mr. Favela noted there are two window grid types: high and low profile. The low profile window type allows operable windows; however, the high profile does not, the high profile grids will be on the slider windows.

#### *District 2*

Larry Romero

Chairman Helm and Mr. Favela discussed the  $\frac{1}{4}$ " deep, high profile molding (per the presentation photo).

#### *District 3*

Emma Acosta

Commissioner Lopez was not opposed to the high profile molding idea; however, the commissioner wondered if Mr. Favela had prepared a scheme or sketch showing where the windows would be divided and the number of divided lines.

#### *District 4*

Carl L. Robinson

Looking at the photo of the front of the home, left-side group of windows, Mr. Favela explained there are 16 glass squares within that large space. With a little math, Mr. Favela would calculate the size, location, and dividing lines. Per commissioner's request, Mr. Favela would start with the windows in the front of the home, move to the side, the rear, and finish with the other side.

#### *District 5*

Dr. Michiel R. Noe

#### *District 6*

Claudia Ordaz

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Lily Limón

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Cortney C. Niland



### City Manager

Tommy Gonzalez

Commissioner Lopez requested Mr. Favela mimic the look of the previous window set.

Chairman Helm asked Ms. Velázquez if she had any recommendations for commissioners.

Ms. Velázquez replied she had recommended the property owner replace all the windows to match the historic windows; however, she would not be opposed should commissioners permit Mr. Favela to replace just the windows in the front of the house with casement windows to match the original windows.



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Per the presentation photos, Commissioner Lopez noticed the weeds were removed; additionally, he noticed the recently replaced windows were visible from the public right-of-way.

Ms. Velázquez explained the chain link fence had been covered in a vinyl material.



### Chairman

The Historic Preservation Office recommends **APPROVAL WITH MODIFICATIONS** of the proposed scope of work based on the following recommendations:

*The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:*

- *Where additional parking is necessary it should be located to the rear of the property as well.*
- *Design new garages and outbuildings to be compatible with the main structure on the lot in material and design, using existing historic outbuildings in the districts as an example.*
- *Limit the size and scale of garages and accessory structures so that the integrity of the original structure, or the size of the existing lot, is not compromised or significantly diminished.*
- *New garages and accessory buildings should be located in rear yards.*
- *However, if windows are damaged beyond repair, replacement windows should match the type (such as double hung), style (for example six panes over six panes), and finish (paint). Replacement windows on the main façade shall be comprised of the operable portions of the window and match the type, style, operation, configuration and finish of the original windows.*
- *Do not use single pane picture windows or horizontal sliding windows if they are not the original window types.*

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- Retain and preserve original doors and windows, including such elements as sash, glass, sills, lintels, casings, muntins, trim, frames, thresholds, hardware and shutters. If repair of an original window or door element is necessary, repair only the deteriorated element to match the original in size, composition, material, dimension, and detail by patching, splicing, consolidating, or otherwise reinforcing the deteriorated section. The removal of historic materials should be avoided.

- When repair is not feasible, door and window products will be reviewed on an individual basis using the following criteria:

- a. Architectural and historical compatibility

- b. Comparison to original profile

- c. Level of significance of original doors and windows to the architectural style of the building.

- d. Three dimensional exterior applied muntins that simulate or match the original muntins may be approved. Single dimension interior applied muntins are not appropriate.

*The Secretary of the Interior's Standards for Rehabilitation recommend the following:*

- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

- The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

**THE MODIFICATIONS ARE:**

**1. THAT THE GARAGE BE MOVED BACK ONE FOOT SO THAT IT IS FIVE FEET AWAY FROM THE MAIN STRUCTURE;**

**2. THAT THE REPLACEMENT WINDOWS BE REMOVED AND REPLACED WITH WINDOWS THAT REPLICATE THE ORIGINAL WINDOWS IN TYPE, STYLE, OPERATION, CONFIGURATION AND FINISH;**

**3. THAT NO PERMITS FOR THE NEW CONSTRUCTION BE ISSUED UNTIL THE REPLACEMENT WINDOWS HAVE BEEN INSTALLED AND ARE IN COMPLIANCE; AND**

**4. THAT THE NEW WINDOWS BE INSTALLED WITHIN NINETY (90) DAYS.**

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**MOTION:**

*Motion made by Commissioner Lopez, seconded by Chairman Helm AND UNANIMOUSLY CARRIED TO APPROVE THE USE OF THE PVC MUNTINS, AS PRESENTED, NOT ONLY ON THE FRONT WINDOWS BUT ON THE SIDE WINDOWS; WITH THE DEADLINE TO COMPLETE THIS PROJECT BEING THE END OF NOVEMBER/BEGINNING OF DECEMBER.*

Ms. Velázquez asked commissioners for a deadline date when the project must be completed otherwise she will have to report this case to Code Enforcement.

Mr. Favela noted the windows he purchased would be delivered the 15<sup>th</sup> of this month. He asked commissioners to give him until the end of December, 2015 to complete the project, in the event he has to order additional windows, parts, etc.

As a compromise, Chairman Helm stated the deadline will be November 30<sup>th</sup>.

Mr. Favela was not opposed to the November 30 deadline.

Commissioner Lopez clarified Mr. Favela's deadline to exchange the windows on the main façade and the sides, the new deadline to complete this project is the end of November/beginning of December. Commissioner Lopez requested Mr. Favela continue using the same number of divided lights as on the previous windows.

**2.PHAP15-00040:** Being 5 Mills 20 ft. on Mills x 80 ft. Beg. 95 ft. W. of NEC (1600 sq. ft.), City of El Paso, El Paso County, Texas

Location: 114-A Mills Avenue

Historic District: Downtown

Property Owner: Martin Building LLC

Representative: Martin Building LLC

Representative District: 8

Existing Zoning: C-5/H (Commercial/Historic)

Year Built: 1948

Historic Status: Landmark

Request: Certificate of Appropriateness for the installation of a sign and the installation of a metal screen/fence after-the-fact

Application Filed: 10/7/15

45 Day Expiration: 11/21/15

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Ms. Velázquez gave a presentation and stated the property owner is requesting a Certificate of Appropriateness for the installation of a sign and the installation of a metal screen/fence after-the-fact. This property has come before commissioners on several occasions; this is the annex to the Roberts-Banner building.

Last year, commissioners approved a specific type of signage, thin mounted letters on top of the eyebrow over the transom prism glass windows. Rather than continue with the signage style approved by commissioners, the business owner would like to install a sign that is perpendicular to the building, it will have dual faces, it will be lit from the inside and it will have metal framing.



The information presented to commissioners is the business owner's proposal instead of what commissioners approved last year. The photos are for presentation purposes only.

The Historic Preservation Office recommends **APPROVAL WITH A MODIFICATION** of the proposed scope of work based on the following recommendations:

*The Downtown Historic District Design Guidelines recommend the following:*

- Signs should not hide or cover any significant detailing and/or architectural detailing and/or architectural features of the building.
- On-premise signage should not cover windows, doors, or air vents.
- On-premise signs should be located in close proximity to the activity it is identifying. In most cases, the best location is usually above, on, and/or near the front door.
- Signs shall not exceed thirty square feet in all commercial and manufacturing districts, and should not exceed six feet in height.
- Signs constructed for landmark buildings or sites must be made of materials attributed to the year in which the buildings or site was constructed.
- Plastics are not permitted.
- For single tenant buildings there may be a maximum of one sign for each street frontage per landmark structure or site.

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- Colors should complement the building and/or the surrounding area.
- Fluorescents should be avoided.
- Designs should be innovative and compatible with the building and/or the surrounding area.
- Lettering should not exceed 40% of the total area.
- Signs mounted perpendicular to the front façade of the building should not be attached above the sill of the top story window.
- Signs may be placed on bland wall surfaces only.
- Double-faced projecting wall signs must have a minimum nine foot clearance between the bottom of the sign and the ground level.
- Neon is permissible if implemented appropriately.
- Exterior devices such as roll-up screen/doors/grills should be incorporated and concealed in the storefront ceiling or by a storefront awning.
- Wrought iron security grills are acceptable if installed on the inside of the glass.
- Fencing serves a number of purposes; to identify a property's boundary, to protect a building, and/or to protect items located on the property.
- Generally, fencing should be of brick and/or wrought iron.

*The Secretary of the Interior's Standards for Rehabilitation recommend the following:*

- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.
- New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**THE MODIFICATION IS THAT THE METAL SCREENING/FENCING BE REPLACED WITH WINDOW GRILLES OVER EACH WINDOW OPENING.**

*Ms. Velázquez clarified the signs have not been installed; however, the screening has. The screening issue is after-the-fact.*

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### Commissioners, staff and property owners discussed the following:

1. During an inspection, city staff requested covering each of the windows to protect people from falling over the railing;
2. Safety concern and maintaining the integrity of the Banner Building;
3. Height of the windows; seven feet;



4. Height of the parapet above that floor 10 inches;
5. Installation of steel railing on the street side;
6. Additional railing installed because ledge was too low;
7. Root Architects, Rida Asfahani, licensed architect and our in-house structural engineer, designed the screen;
8. Did Rida and in-house structural engineer take the plans to the One Stop Shop to get approval prior to construction;
9. The issue of whether or not the plans were approved and stamped by city staff or Rida Asfahani;
10. The issue regarding the separation and what material was best to use to cover the windows was never presented to the property owners;
11. Property owners were not told they had to come before commissioners prior to installing window covering;
12. Name of the inspector that brought the window covering issue to the attention of the property owner;
13. Construction of six foot fence:
  - i. to deter customers from entering the building at the location of the fire escape stairs;
  - ii. fence was constructed to prevent individuals from falling this establishment into the building;
  - iii. in the event of an actual fire, the fence was constructed to direct individuals toward the fire escape stairs;
14. This building is currently vacant, there are no tenants residing within the building;
15. The issue regarding the Fire Department creating new requirements, in the field/during construction/during inspections, that they did not enforce during plan review;

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16. This case for example, the Fire Department is requiring something be added to the plans; however, Fire Department staff forgot to require the plans be sent to commissioner for review. Therefore, the Fire Department received a solution to their request without having to following proper procedure.
17. Chairman Helm requested changes be implemented at the One Stop Shop, for example, if the additional regulations are being added to a project that affects the exterior of that project during construction, that regulated change should be presented to commissioners for review and/or approval.

*Neither Fire Department staff nor the licensed architect was present to respond to comments and/or questions from commissioners.*

18. In this case, Chairman Helm felt city staff was at fault for not re-routing the regulated changed to commissioners for review and/or approval.

### Two Solutions – Life Safety (covering the windows) and Aesthetics (commissioners) Window Screening and Guard Rails

Commissioner Lopez explained should even a portion of the screening be visible from the right-of-way, commissioners would be concerned. Commissioner Lopez suggested the guard railing be set at 42" because that is maximum height allowed per the code. Additionally, Commissioner Lopez suggested a portion of the window screening for the two front windows be removed.

Property owners asked for leniency from commissioners regarding these two issues.

Commissioner Lopez responded should commissioners approve this request it would start a precedent.

Through the discussion regarding the HVAC system location, HVAC exhaust location, paint color of the HVAC vent, etc., Chairman Helm noted this discussion could have been avoided if the changes to the plans were presented to commissioners first rather than Fire Department for approval.

Chairman Helm commented on the failure of One Stop Shop and Plan Review staff neglecting to note the visibility of the mechanical element from the public right-of-way. This could have been addressed prior to construction. He felt it was the process that failed the property owners.

Property owners asked commissioners for their assistance in getting this venue opened as soon as possible.

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Commissioner Lopez explained commissioners do not want to set any precedents. Commissioner Lopez suggested property owners cut the visible portion of the window screen, do something with that fence, and paint the heat exhaust in beige (color).

Ms. Kristen Hamilton-Karam provided legal advice regarding temporary permits.

The property owners submitted prior application for the signage; however, Ms. Velázquez explained she noticed the fencing while walking downtown.

*Via the ELMO, property owners displayed cell phone photos of the construction for staff and commissioners.*

Commissioner Cordova sympathized with the property owners; however, this commission is very wary of setting any precedent.

Commissioner Lucero felt Commissioner Lopez's suggestion regarding cutting a portion of the window screen was "a happy medium" whereby, Ms. Velázquez's suggestion was to dismantle the whole thing.

Commissioner Lopez stated he did not agree with the painting because it would be more aesthetically pleasing to have a Corten surface. Commissioner Lopez suggested the property owners remove a portion and set the guardrail at 42 inches.

Commissioners, staff and property owners discussed the proposed signage.

Commissioners, staff and property owners discussed and made suggestions/recommendations regarding the existing fencing, heat vents, bench, planter, proposed landscaping, and painting the flume.

To the property owners, Commissioner Lopez recommended the following compromise:

1. Cut the portion of window screen; and
2. Paint a portion of the flume

To the property owners, Commissioner Brock asked what plants would be planted in those planters. He asked if the property owner's intent was to plant shrubs to cover the pipe.

One of the property owners responded, it was not their intent to do that but it is necessary that's what they would do to maintain a cohesive look.



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Commissioner Lopez noted there were many solutions to prevent individuals from falling through the windows.

### City Council

#### District 1

Peter Svarzbein

To the property owners, Commissioner Lopez recommended the following options:

1. Postpone approval of the Certificate of Appropriateness to the November 2<sup>nd</sup> meeting;
2. proceed with whatever the commissioners recommend.

#### District 2

Larry Romero

Chairman Helm explained commissioners do not have to vote unanimously in favor of or in opposition to the motion; the vote follows the majority.

#### District 3

Emma Acosta

*Via the ELMO, property owners displayed more cell phone photos of the heat vents, fencing, planters and window coverings.*

#### District 4

Carl L. Robinson

Commissioner Brock asked if, in removing the wall and exposing the pipe, does the pipe have to be covered back up to prevent people touching it? Someone leaning or sitting against the planter could accidentally touch the pipe. He wondered if that might be a safety issue and the Fire Department might give them a red tag.

#### District 5

Dr. Michiel R. Noe

Commissioner Cordova stated the best solutions for the property owners would be to follow Commissioner Lopez's suggestions.

#### District 6

Claudia Ordaz

Ms. Kristen Hamilton-Karam suggested the property owners provide some detail of what it is they were proposing to Ms. Velázquez so that she could forward this proposal to Fire Department staff for review.

#### District 7

Lily Limón

Chairman Helm commented on postponing the request and issues regarding the One Stop Shop Plan Review staff.

#### District 8

Cortney C. Niland

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#### **MOTION:**

*Motion made by Chairman Helm, seconded by Commissioner Brock AND CARRIED TO APPROVE AS IT IS ALREADY BUILT BECAUSE THE CITY – THE ONE STOP SHOP AND THE FIRE DEPARTMENT – HAS MESSED THIS UP AND CAUSED YOU TO SPEND MONEY ON YOUR BEHALF WITHOUT FULL APPROVAL; AND SO THIS, REALLY SEEMS LIKE A PROBLEM CAUSED NOT BY YOUR OWN ACTIONS BUT BY THE REQUEST OF THE INSPECTORS; AND THAT IT WOULD BE A LONG, DRAWN-OUT PROCESS TO GET A COMPROMISE APPROVED.*

**AYES:** *Chairman Helm and Commissioners Brock, Cordova*

**NAY:** *Commissioners Lucero and Lopez*

*Motion passed. (3-2)*

After the vote, one of the property owners asked if commissioners had approved the proposed signage.

Chairman Helm responded yes, that is approved as applied for.

3. Addresses of property HLC commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. October 19, 2015 deadline for HLC members to request for agenda items to be scheduled for the November 2, 2015 meeting. November 2, 2015 deadline for HLC members to request for agenda items to be schedule for the November 16, 2015 meeting.

*No address requests from commissioners for staff to review or investigate.*

#### **HLC Staff Report**

4. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda. (See Attachment “A”)

*No comment from commissioners.*

#### **MOTION:**

*Motion made by Commissioner Lucero, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE HLC STAFF REPORT.*





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### Other Business – Discussion and Action

5. Approval of Regular Meeting Minutes for September 14, 2015

Chairman Helm asked commissioners if they had any additions, corrections and/or revisions. There was none.

### **MOTION:**

*Motion made by Commissioner Lucero, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO APPROVE THE SEPTEMBER 14, 2015 MEETING MINUTES.*

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### **MOTION:**

*Motion made by Chairman Helm, seconded by Commissioner Brock AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:40 P.M.*